

**Judiciary - Superior Court**

Arizona Constitution Article VI  
A.R.S. § 12-121

Director: David K. Byers

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	FY 2003 Actual	FY 2004 Estimate	FY 2005 Approved
<b>SPECIAL LINE ITEMS</b>			
<i>Full Time Equivalent Positions</i>	199.3	199.3	199.3 <sup>1/</sup>
Judges Compensation	12,633,900	14,623,400	14,623,400
Adult Standard Probation	23,563,900	11,116,000	11,347,700
Adult Intensive Probation	18,537,700	10,175,600	10,365,000
Community Punishment	2,282,800	2,722,400	2,741,800 <sup>2/</sup>
Interstate Compact	1,315,400	558,800	568,300
Juvenile Standard Probation	6,883,600	8,346,000	7,636,600
Juvenile Intensive Probation	12,494,100	13,241,700	13,236,700
Juvenile Treatment Services	21,398,500	22,067,600	22,101,400 <sup>3/</sup>
Juvenile Family Counseling	606,300	660,400	660,400
Progressively Increasing Consequences	9,238,900	9,271,100	9,391,900 <sup>3/</sup>
Juvenile Crime Reduction	2,816,300	5,136,100	5,144,000 <sup>4/</sup>
Special Water Master	0	20,000	20,000
<b>AGENCY TOTAL</b>	<b>111,771,400</b>	<b>97,939,100</b>	<b>97,837,200<sup>5/6/7/</sup></b>
<b>FUND SOURCES</b>			
General Fund	108,380,900	90,972,600	90,862,800
<u>Other Appropriated Funds</u>			
Criminal Justice Enhancement Fund	3,390,500	6,966,500	6,974,400
SUBTOTAL - Other Appropriated Funds	3,390,500	6,966,500	6,974,400
<b>SUBTOTAL - Appropriated Funds</b>	<b>111,771,400</b>	<b>97,939,100</b>	<b>97,837,200</b>
Other Non-Appropriated Funds	251,600	257,700	257,700
<b>TOTAL - ALL SOURCES</b>	<b>112,023,000</b>	<b>98,196,800</b>	<b>98,094,900</b>

**AGENCY DESCRIPTION** — The Superior Court, which has a division in every county, is the state’s only general jurisdiction court. Superior Court judges hear all types of cases except small claims, minor offenses, or violations of city codes and ordinances. In addition, the responsibility for supervising adults and juveniles who have been placed on probation resides in the Superior Court.

- <sup>1/</sup> Of the 199.3 FTE Positions, 158 FTE Positions represent Superior Court judges. One-half of their salaries are provided by state General Fund appropriations pursuant to A.R.S. § 12-128. This is not meant to limit the counties’ ability to add additional judges pursuant to A.R.S. § 12-121. (General Appropriation Act footnote)
- <sup>2/</sup> All Community Punishment Program receipts received by the Administrative Office of the Courts in excess of \$2,741,800 in FY 2005 are appropriated to the Community Punishment line item. Before the expenditure of any Community Punishment receipts in excess of \$2,741,800 in FY 2005, the Administrative Office of the Courts shall submit the intended use of the monies for review by the Joint Legislative Budget Committee. (General Appropriation Act footnote, as adjusted for statewide allocations)
- <sup>3/</sup> Up to 4.6% of the amounts appropriated for Juvenile Probation Services – Treatment Services and Progressively Increasing Consequences may be retained and expended by the Supreme Court to administer the programs established by A.R.S. § 8-322, and to conduct evaluations as needed. The remaining portion of the Treatment Services and Progressively Increasing Consequences programs shall be deposited in the Juvenile Probation Services Fund established by A.R.S. § 8-322. (General Appropriation Act footnote)
- <sup>4/</sup> All Juvenile Crime Reduction Fund receipts received by the Administrative Office of the Courts in excess of \$5,144,000 in FY 2005 are appropriated to the Juvenile Crime Reduction line item. Before the expenditure of any Juvenile Crime Reduction Fund receipts in excess of \$5,144,000 in FY 2005, the Administrative Office of the Courts shall submit the intended use of the monies for review by the Joint Legislative Budget Committee. (General Appropriation Act footnote, as adjusted for statewide allocations)
- <sup>5/</sup> Receipt of state probation monies by the counties is contingent on the county maintenance of FY 2004 expenditure levels for each probation program. State probation monies are not intended to supplant county dollars for probation programs. (General Appropriation Act footnote)
- <sup>6/</sup> General Appropriation Act funds are appropriated as Special Line Items by Agency.
- <sup>7/</sup> The Administrative Office of the Courts shall not allocate any monies appropriated for adult probation services to Maricopa County. It is the intent of the Legislature that Maricopa County will pay for adult probation programs in that county. (General Appropriation Act footnote)

PERFORMANCE MEASURES	FY 2003	FY 2003	FY 2004	FY 2005
	Appropriation	Actual	Appropriation	Appropriation
• Customer satisfaction rating by states participating in the interstate compact (Scale 1-8)	6.0	7.6	6.0	7.7
<b><u>Juvenile Standard Probation:</u></b>				
• % of probationers successfully completing probation without a referral (a notice of misbehavior)	75	75	75	80
• Average annual state cost per probation slot (in \$)	1,016	796	1,000	1,090
<b><u>Juvenile Intensive Probation (JIPS):</u></b>				
• % of probationers successfully completing probation without a referral (a notice of misbehavior)	70	70	74	75
• Average annual state cost per probation slot (in \$)	6,941	6,662	7,000	7,511
<b><u>Adult Standard Probation:</u></b>				
• % of probationers successfully completing probation without a new conviction	90	86	92	90
• Average annual state cost per probation slot (in \$)	756	654	750	929
<b><u>Adult Intensive Probation (AIPS):</u></b>				
• % of probationers successfully completing probation without a new conviction	81	69	75	75
• Average annual state cost per probation slot (in \$)	5,821	6,156	5,750	6,235

### ***Special Line Items***

#### **Judges Compensation**

The budget provides \$14,623,400 from the General Fund for Judges Compensation in FY 2005. This amount is unchanged from the adjusted FY 2004 base. *(See Juvenile Treatment Services for additional information.)*

This line item provides funding for the state's 50% share of the salary and Employee Related Expenditures of Superior Court Judges. Pursuant to A.R.S. § 12-128, one-half of Superior Court Judges' salaries are provided by the state General Fund. The line item includes 158 FTE Positions.

#### **Adult Probation Programs**

As part of the FY 2004 budget solution, Maricopa County agreed to assume the state's share of Maricopa's adult probation costs in FY 2004 and FY 2005. The state and counties have typically shared the costs of adult probation. For the intensive programs, the state pays 100% of the costs (although the counties may provide offices and other support services). For the standard programs and treatment services, the state predominantly pays for the cost of additional probation officers. Counties typically contribute through Probation Service Fee collections, outside grants, and office space. Laws 2003, Chapter 263 requires Maricopa County to fund adult probation in that county and submit monthly performance measures for each of the probation programs.

#### **Adult Standard Probation**

The budget provides \$11,347,700 from the General Fund for Adult Standard Probation in FY 2005. The approved

amount includes an increase for statewide salary and other adjustments. *(Please see the Statewide Adjustments section at the end of this Appropriations Report for details.)*

This line item provides funding for community supervision services for adults placed on standard probation by the Adult Division of the Superior Court. Pursuant to A.R.S. § 12-251A, an adult probation officer shall not supervise more than an average of 60 adults on probation at one time. A provision in the Criminal Justice Budget Reconciliation Bill (BRB) (Laws 2004, Chapter 281) suspends Adult Standard Probation caseload ratios in Maricopa County for FY 2005. In FY 2004 and FY 2005, Maricopa County is required to assume the costs of its Adult Standard Probation program. *(See Adult Probation Programs for more information.)* The line item includes 6 FTE Positions.

The Adult Standard Probation population decreased by 4% from FY 2002 to FY 2003. Through April 2004, the population has increased by 1% in FY 2004, for a total of 35,322 probationers statewide. Of this amount, there were 22,788 probationers in Maricopa County and 12,534 in all other counties. Since Maricopa County has assumed the costs of its Adult Standard Probation program in FY 2005, the approved budget funds a total caseload capacity of 13,200 probationer slots in non-Maricopa counties.

#### **Adult Intensive Probation (AIPS)**

The budget provides \$10,365,000 from the General Fund for Adult Intensive Probation in FY 2005. The approved amount includes an increase for statewide salary and other adjustments.

This line item provides funding for a sentencing alternative intended to divert serious, non-violent offenders from prison. Pursuant to A.R.S. § 13-916, 1 team (2 probation officers) shall not supervise more than 25 intensive probationers at one time. A provision in the Criminal Justice BRB (Laws 2004, Chapter 281) suspends Adult Intensive Probation caseload ratios in Maricopa County for FY 2005. In FY 2004 and FY 2005, Maricopa County is required to assume the costs of its Adult Intensive Probation program. (See *Adult Probation Programs for more information.*) The line item includes 8 FTE Positions.

The Adult Intensive Probation population decreased by 22% from FY 2002 to FY 2003. Through April 2004, the population has increased by 15% in FY 2004, for a total of 2,768 probationers statewide. Of this amount, there were 1,273 probationers in Maricopa County and 1,495 in all other counties. Since Maricopa County has assumed the costs of its Adult Intensive Probation program in FY 2005, the approved budget funds a total caseload capacity of 1,700 probationer slots in non-Maricopa counties.

#### **Community Punishment**

The budget provides \$2,741,800 for Community Punishment in FY 2005. This amount consists of \$911,400 from the General Fund and \$1,830,400 from the Criminal Justice Enhancement Fund (CJEF). The approved General Fund amount includes an increase for statewide salary and other adjustments. The CJEF amount is unchanged from FY 2004.

This line item provides behavioral treatment services for adult probationers and for enhanced supervision, such as electronic monitoring and specialized probation caseloads. The funding is intended to provide for diversion of offenders from prison and jail, as well as to enhance probation programs. In FY 2004 and FY 2005, Maricopa County is required to assume the costs of its Community Punishment program. (See *Adult Probation Programs for more information.*) The line item includes 1.3 FTE Positions funded from the General Fund.

#### **Interstate Compact**

The budget provides \$568,300 from the General Fund for Interstate Compact in FY 2005. The approved amount includes an increase for statewide salary and other adjustments.

This line item provides funding for supervision and intervention to probationers transferring to Arizona and monitors the supervision of probationers transferred to other states from Arizona. In FY 2004 and FY 2005, Maricopa County is required to assume the costs of its Interstate Compact program. (See *Adult Probation Programs for more information.*) The line item includes 3 FTE Positions.

### **Juvenile Probation Programs**

#### **Juvenile Standard Probation**

The budget provides \$7,636,600 from the General Fund for Juvenile Standard Probation in FY 2005. The approved amount includes an increase for statewide salary and other adjustments.

##### *Shift Surplus Monies*

The budget includes a General Fund decrease of \$(884,300) to shift surplus Juvenile Probation monies to Court of Appeals and Supreme Court operating budgets. The Juvenile Standard Probation population decreased by 7% from FY 2002 to FY 2003. Through April 2004, the population has further decreased by 1% in FY 2004. Due to a lack of growth in this program, the budget shifts \$884,300 to other Judiciary budget units. (See *Court of Appeals and Supreme Court narrative for more information.*) Before the shift of surplus monies, the program funded a total caseload capacity of 9,065 probationer slots. As of April 2004, there were 7,462 juveniles in this program. After the shift of monies, the program has a caseload capacity of approximately 8,500 probationer slots.

This line item provides community services for juveniles placed on standard probation by the Juvenile Division of the Superior Court. Probation supervision is intended to monitor the juvenile's compliance with the terms and conditions of probation imposed by the court. Pursuant to A.R.S. § 8-203B, a juvenile probation officer shall not supervise more than an average of 35 juveniles on standard probation at one time. The line item includes 3.8 FTE Positions.

#### **Juvenile Intensive Probation (JIPS)**

The budget provides \$13,236,700 from the General Fund for Juvenile Intensive Probation in FY 2005. The approved amount includes an increase for statewide salary and other adjustments.

##### *Shift Surplus Monies*

The budget includes a General Fund decrease of \$(215,700) to shift surplus Juvenile Probation monies to Court of Appeals and Supreme Court operating budgets. The Juvenile Intensive Probation population decreased by 9% from FY 2002 to FY 2003. Through April 2004, the population has further decreased by 3% in FY 2004. Due to a lack of growth in this program, the budget shifts \$215,700 to other Judiciary budget units. (See *Court of Appeals and Supreme Court narrative for more information.*) Before the shift of surplus monies, the program funded a total caseload capacity of 1,850 probationer slots. As of April 2004, there were 1,489 juveniles in this program. After the shift of monies, the program has a caseload capacity of approximately 1,800 probationer slots.

This line item was created to divert serious, non-violent juvenile offenders from incarceration or residential care and to provide intensive supervision for high-risk offenders already on probation. Pursuant to A.R.S. § 8-353B, 1 JIPS team shall not supervise more than an average of 25 juveniles on intensive probation at one time. The line item includes 5.5 FTE Positions.

#### **Juvenile Treatment Services**

The budget provides \$22,101,400 from the General Fund for Juvenile Treatment Services in FY 2005. The approved amount includes an increase for statewide salary and other adjustments.

The program has surplus resources. In FY 2003, \$23,307,800 was appropriated for these services, but actual expenditures were \$21,398,500. At the same time, the Judges Compensation line item was appropriated \$13,374,500 in FY 2004, but expenditures were expected to be \$14,623,400 due to increased health and retirement costs. As a result, \$1,248,900 was transferred from Juvenile Treatment Services to Judges Compensation in FY 2004. The budget continues this shift in FY 2005.

This line item provides funding to the juvenile courts to meet the requirements of A.R.S. § 8-230.01 and A.R.S. § 8-230.02, relating to the assignment of youths referred for delinquency or incorrigibility to treatment programs, residential treatment centers, counseling, shelter care, and other programs. The line item includes 8.7 FTE Positions.

#### **Juvenile Family Counseling**

The budget provides \$660,400 from the General Fund for Juvenile Family Counseling in FY 2005. This amount is unchanged from FY 2004.

This line item provides funding to the Juvenile Division of the Superior Court for prevention of delinquency among juvenile offenders by strengthening their family relationships. These monies are predominately for non-adjudicated juveniles and their families, and require a 25% county match.

#### **Progressively Increasing Consequences (PIC-Act)**

The budget provides \$9,391,900 from the General Fund for Progressively Increasing Consequences in FY 2005. The approved amount includes an increase for statewide salary and other adjustments.

This program diverts youth from formal court proceedings in order to reduce court costs and prevent re-offending. A PIC-Act probation officer assigns consequences for the juvenile to complete, such as substance abuse education, graffiti abatement, counseling or other community service programs. In FY 2003, there were approximately 21,900 juveniles diverted from formal court proceedings. Monies in this line item are distributed to all counties.

#### **Juvenile Crime Reduction**

The budget provides \$5,144,000 from CJEF for Juvenile Crime Reduction in FY 2005. The approved amount includes an increase for statewide salary and other adjustments.

This line item provides funding for the design and implementation of community-based strategies for reducing juvenile crime. Strategies include prevention, early intervention, effective intermediate sanctions, and rehabilitation. The line item includes 5 FTE Positions. Through a grant process, the Administrative Office of the Courts distributes monies in this line item to approximately 20 public and private entities.

#### **Other**

##### **Special Water Master**

The budget provides \$20,000 from the General Fund for the Special Water Master in FY 2005. This amount is unchanged from FY 2004.

This line item provides funding for the Special Water Master assigned by the court in 1990 to the Little Colorado River water rights adjudication. The adjudication of water rights for the Little Colorado River was petitioned in 1978. Since that time, about 3,100 individuals, communities, and companies have filed about 11,000 water rights claims. The Special Water Master conducts hearings for each claimant and makes recommendations to the Superior Court Judge.

Pursuant to statute, the costs of the Water Master are funded from claimant fees. If claimant fees are insufficient, statute requires the state General Fund to pay for these expenses in a special line item within the Superior Court budget.

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